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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,422	10/16/2003	Dean E. Voelker	VD1-3057-U	2236

20793 7590 04/25/2005

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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,422

Applicant(s)

VOELKER, DEAN E.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 62 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-57 is/are allowed.
- 6) ☒ Claim(s) 1-6, 17-26 and 58-61 is/are rejected.
- 7) ☒ Claim(s) 7-16 and 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claim 62 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/20/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Martin.

In regard to claim 1, Martin discloses an article of manufacture comprising:

(a) a pipe 12 having a longitudinal axis, a smooth outer wall, and an end opening
and

(b) a slip coupling forming a slidable, pressurizable fluid tight seal with said
smooth outer wall of said pipe, said slip coupling comprising

an outer casing 13, said outer casing having an interior passageway,
said interior passageway sized and shaped to fit therein at least some length of
said pipe 12, and a flanged end 16;

a split ring 19, said split ring comprising first and second ring portions,
said first and second ring portions each having an interior wall 18, said interior wall

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further comprising at least one gasket seat (space created by intersection of 18 and 17), said first and second ring portions adjustably movable between an open position wherein said first and second ring portions open to allow attachment to or removal from said pipe, and a closed position wherein said first and second ring portions are securable in close fitting engagement around said pipe;

a gasket 21, said gasket located at said at least one gasket seat in said inner wall of said first and said second ring portions, said gasket adapted for providing a fluid tight seal between said split ring and said smooth outer wall of said pipe.

In regard to claim 3, the first and second ring portions, when in said closed position, comprise a split ring having a substantially annular ring shape which extends between an outer wall and said interior wall.

In regard to claim 4, wherein said split ring further comprises a plurality of longitudinally extending bolt through apertures 22 defined by bolt hole interior walls.

In regard to claim 17, wherein said flanged end 16 of said outer casing extends radially outward from said outer casing to an outer end to provide an integral outer casing flange of width sufficient to provide, along a longitudinal axis, a plurality of fastener holes defined by flange interior edge wall holes.

In regard to claim 20, wherein the material for manufacture of said outer casing is selected from the group consisting of (a) high density polyethylene, (b) an aluminum alloy, (c) stainless steel, (d) brass, (e) carbon steel, (f) polyvinyl chloride, or (g) a moldable reinforced composite material.

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In regard to claim 21, wherein the material for manufacture of said split ring is selected from the group consisting of (a) high density polyethylene, (b) an aluminum alloy, (c) stainless steel, (d) brass, (e) 10 carbon steel, (f) polyvinyl chloride, or (g) a moldable reinforced composite material.

In regard to claim 25, wherein said first and second ring portions 19 of said split ring are identical.

In regard to claim 26, wherein each one of said split ring portions 19 comprises a pair of ear portions 14, said ear portions each having a face portion (interior portions of 14) adapted for matching engagement with an identical face portion of another split ring portion.

In regard to claim 58, wherein said gasket 21 comprises a resilient material having a coefficient of friction sufficiently low that said gasket remains seated during sliding movement of said gasket over said smooth outer wall of said pipe 12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Marzolf, Sr. Martin discloses making a strong and durable slip coupling as described above, but does not disclose the use of backing flanges on the casing or the split ring. Marzolf, Sr. teaches using backing flanges with bolt holes on both sides of a clamped flanged body in order to strengthen the coupling portions of the clamp body. Therefore it would have

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been obvious to person having ordinary skill in the art at the time the invention was made to modify the coupling of Martin to include backing flanges, as taught by Marzolf, Sr., in order to make the expansion coupling stronger and more durable.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin. Martin discloses a split ring with four through apertures, not eight. However, it would have been obvious to provide the flange with 8 holes because duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

7. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Marzolf, Sr. Martin in view of Marzolf, Sr. discloses a coupling as described above, but does not disclose the exact material of the flanges. However it would have been obvious to make the flanges out of a material recited by the Applicant because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

8. Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin. Martin discloses a coupling as described above, but does not disclose the exact material of the gasket. However it would have been obvious to make the gasket out of a material recited by the Applicant because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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Allowable Subject Matter

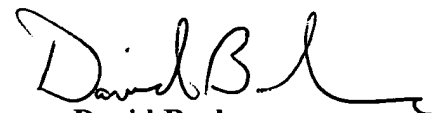
9. Claims 7-16 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 31-57 are allowed.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McHughs, Roberts, Larkin, Hill, Brown, and Gillet all disclose similar couplings common in the art.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**David Bochna
Primary Examiner
Art Unit 3679
April 18, 2005**